

Processing-Improving Quality) alleging that while “Robinson discloses a method of making a semi-dry sausage by the steps of providing minced beef, pork and pork fat, mixing the minced meat with additives including pepper, garlic, sugar and cardamom, stuffing the mixture into natural or artificial casings, and storing the sausage for 9-23 days at a relative humidity of 58-95% and a temperature of 12-30 °C° (p. 744, Manufacture of Fermented Sausages, P1, p.747/ Table 1/Dry Sausage)” she acknowledges that Robinson does not *explicitly* (emphasis added) disclose adding from about 4 mg to about 25 mg per kilogram of meat a material selected from the group consisting of folic acid and folate. The fact is that Robinson neither explicitly nor impliedly discloses any addition of either folic acid and/or folate.

That folic acid is known as a nutritive additive in foods for reducing the risk of a pregnancy affected by a neural tube birth defect (NTD) and vascular disease and that its addition to enriched cereal products was made mandatory in the United States, the Examiner argues, has been made known by Rader’s “Folic Acid Fortification, Folate Status and Plasma Homocysteine”. She continues by arguing further that since the improvement of the nutritional value of meat products has been tried for years as evidenced by Kerry et al., it would have been obvious to one of ordinary skill in the art to fortify the semi-dry sausage of Robinson with folic acid or folate as taught by Rader and that a skilled artisan would do so in order to increase the intake of folic acid or folate to reduce the risk of NTD-pregnancies and vascular disease.

With respect, the Examiner’s allegations and arguments make it clear that she has not understood what the invention disclosed by the instant application is about, namely a novel process of improving the quality in terms of flavor, smell, consistency, accelerated maturing, good mold development and, last but not least, storage life. It has nothing to do with creating a sausage which prevents birth defects, nor has it anything to do with whatever improvements may be as a result of folic acid being added to grain products. Not only is the art of treating cereal-grain products with folic acid distinct from the art of sausage-

making with that acid, it also leads to wholly different results in the products themselves.

Applicant's invention is not directed to what folic acid or folate added to sausage does to the health of the consumer. The consequences in terms of a consumer's health are inherent in the consumption of folic acid. It is not, however, obvious that adding folic acid to minced sausage meat mixtures yields an end product not only more quickly but also of superior taste or flavor, consistency and storability. As regards the improvements wrought by Applicant's invention, the Examiner's attention is respectfully directed to Applicant's specification, page 3, line 17 to page 5, line 3.

None of the references relied upon by the Examiner in support of her allegation of obviousness teaches, singly or in combination, any method of manufacturing sausage including the addition of from 4 to 25 mg of folic acid or folate per kg of sausage meat. Nor do the reference reveal anything which would teach a person skilled in the art that adding folate or folic acid to sausage meat would yield the significant technological effects described in Applicant's specification. The quantity of added folic acid or folate reveals nothing about the quantity of corresponding additives in the final product. The behavior, as it were, of the folic acid and folate and, more particularly, its metabolization during production of the raw sausage and the reduction of the folic acid / folate concentration in the finished sausage is an elementary component of the invention. The reduction in the proportion of folic acid in the mass of the sausage, rather than proceeding linearly, follows a specific functional curve. As regards the improved maturing of the sausage, the addition of from 4 to 25 mg of folic acid / folate per kg of raw sausage mass constitutes, in terms of food technology, an optimum. No conclusions as regards the daily requirements of folic acid can be drawn from an average daily ration of sausage.


In conclusion, none of the three references relied upon by the Examiner can reasonably be argued to disclose anything which would have taught a skilled artisan a method of making a sausage of the improved qualities and properties

set forth in the specification.

In view of the fact that the most favorable results have been attained with an addition of 10 mg of folic acid / folate per kg of raw sausage meat, Applicants courteously requests that the new claim set forth above be added to his application. It is clearly supported by the specification and adds no new matter. A complete listing of Applicants claims is enclosed.

In light of the presentations set forth above, Applicant urges that his application is in condition for allowance which he courteously solicits.

Respectfully submitted,



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Enclosure